

REMARKS

Applicants, by the amendments presented above and the arguments presented below, have made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance. Claims 1-9, 21-23, 27-32, 34-39 and 43-46 are currently pending. Claim 9 is currently withdrawn. Claims 1-20, 24-26, 33 and 40-42 have previously been withdrawn from consideration and have now been cancelled herein. Claims 44-46 are newly added.

Election/Restrictions

Applicant acknowledges the Examiner's rejoinder of previously withdrawn claims: 6, 7 and 23.

Rule 105 Request

The Examiner notes that she found, in an Internet search, that assignee's 2000 Annual Report stated that assignee's Sükosim division in Europe had introduced some innovative cage nuts that will be brought to North American customers. As such, the Examiner requested any printed documentation assignee has concerning any such cage nuts introduced by Sükosim, including structural details or drawings to determine if the structure reads on the pending claims.

Applicant states that Sükosim's innovative cage nuts are those described, illustrated and claimed in United States Patent No. 5,630,686, entitled "Support Device With Nut Assembly" which issued on May 20, 1997, and the foreign patents which correspond thereto. Applicant cited United States Patent No. 5,630,686 in the Information Disclosure Statement mailed to the United States Patent and Trademark Office on February 5, 2004 which,

according to the Office Action mailed on April 26, 2004, has been considered by the prior Examiner – Mr. Neill Wilson.

If the Examiner is of the opinion that she is in need of any further information or explanation to fulfill her Rule 105 Request, the Applicant requests that the Examiner contact one of the undersigned attorneys to discuss same.

Specification

The Examiner objected to the disclosure because, on page 1, the priority did not reflect the issued patent number. Applicant has amended the disclosure such that the priority reflects the issued patent number.

The Examiner further objected to the disclosure because, on page 11, at line 23, the second embodiment should actually be the third embodiment. Applicant has amended the disclosure such that the correct embodiment is identified.

Drawings

The Examiner objected to Figures 7 and 8 because Figures 7 and 8 are rotated 180 degrees relative to one another, such that in the Examiner's opinion the top of one should be at the bottom in the other. The Examiner, though, notes that surface 322 is shown at the top of both figures and surface 320 is shown at the bottom of both figures and, therefore, the Examiner has requested that corrected drawing sheets be provided to correct this error.

Applicant states that surface 322 being at the top in both figures and the surface 320 being at the bottom in both figures is not an error. As stated in the specification at page 12, lines 9-10, "[p]rior to engaging the nut member 302, the cage member 304 has generally upper and lower surfaces 320, 322." As such, reference numeral 320 in Figure 7 is

identifying the upper surface of the base portion 324 of the cage member 304 and reference numeral 320 in Figure 8 is identifying the upper surface of the first arm 326 of the cage member 304; and reference numeral 322 in Figure 7 is identifying the lower surface of the second arm 328 of the cage member 304 and reference numeral 322 in Figure 8 is identifying the lower surface of the base portion 324 of the cage member 304. Thus, reference numeral 320 is consistent in both Figures 7 and 8 of identifying the upper surface of the cage member 304 and reference numeral 322 is consistent in both Figures 7 and 8 of identifying the upper surface of the cage member 304. Thus, Applicant states that there is no error with regard to the reference numerals in Figures 7 and 8 and, therefore, Applicant has not provided corrected, replacement sheets as requested by the Examiner.

Claim Rejections - 35 U.S.C. §102

Claims 1-3, 21, 27-31, 34-38 and 43 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by United States Patent No. 2,716,434 to Crowther. In view of the amendments made to independent claims 1, 21 and 43, Applicant respectfully traverses this rejection.

Applicant has amended independent claims 1 and 21 to require that the cage member be configured to allow the nut member to be adjusted in at least one dimension relative to the base portion of the body of the cage member when the nut member is engaged by the cage member. Crowther does not disclose or suggest such a configuration.

The Examiner states with regard to claims 1 and 21 that "Crowther teaches a cage member (Fig 1, #40) engageable with a nut having a threaded aperture (#48, integral with cage), said cage member capable of engaging the nut (Fig 3 or 6) and having an aperture to allow access to the threaded nut (Fig 1-8), said body having a base portion (42) and 1st (6C)

and 2nd arms (44 and 46 are considered the 2nd arm) extending from said base, and a seam defined between 1st and 2nd arms (see below), at least one of said arm portions having at least one protrusion (62 protrudes from arm 60) capable of being welded to a mating surface, said seam capable of being provided proximate to a mating surface. Clearly the seam is capable of being near an (unclaimed) mating surface, and the protrusion is capable of being welded to a mating surface. The seam is weldable -- both parts are metal."

The nut member of Crowther as defined by the Examiner in the Office Action is piece number 48 (defined as a boss in Crowther). The nut member 48, when engaged by the "cage member" 40 (as defined by the Examiner) in Crowther, is not capable of being adjusted in at least one dimension relative to the base portion 42 (as defined by the Examiner) of the body in Crowther because the nut member 48 is integrally formed with the base portion 42. Therefore, regardless of whether the nut member 48 is engaged by the cage member 40, the nut member 48 can never be adjusted in at least one dimension relative to the base portion 42.

Thus, Applicant states that independent claims 1 and 21 are not anticipated by Crowther and, therefore, Applicant respectfully requests reconsideration and allowance of independent claims 1 and 21.

As claims 2, 3 and 27-31 are all ultimately dependent on independent claim 1, which Applicant states is now in condition for allowance, Applicant respectfully requests reconsideration and allowance of claims 2, 3 and 27-31. Also, as claim 9 is dependent upon independent claim 1, but has been withdrawn pursuant to a Restriction Requirement, Applicant also requests reinstatement and allowance of claim 9.

As claims 34-38 are all ultimately dependent on independent claim 21, which Applicant states is now in condition for allowance, Applicant respectfully requests reconsideration and allowance of claims 34-38.

Applicant has amended independent claim 43 to require that the cage member be configured to allow the nut member to be adjusted in at least one dimension relative to the body of the cage member when the nut member is engaged by the cage member. Crowther does not disclose or suggest such a configuration.

The nut member of Crowther as defined by the Examiner in the Office Action is piece number 48 (defined as a boss in Crowther). The nut member 48, when engaged by the "cage member" 40 (as defined by the Examiner) in Crowther, is not capable of being adjusted in at least one dimension relative to the body in Crowther because the nut member 48 is integrally formed with the body. Therefore, regardless of whether the nut member 48 is engaged by the cage member 40, the nut member 48 can never be adjusted in at least one dimension relative to the body.

Thus, Applicant states that independent claim 43 is not anticipated by Crowther and, therefore, Applicant respectfully requests reconsideration and allowance of independent claim 43.

Allowable Subject Matter

The Examiner indicated that claims 4-8, 22, 32 and 39 were objected to as being dependent upon a rejected base claim, but that these claims would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner further noted that claims 6, 7 and 23 have been rejoined and are allowable over the prior art as well.

Applicant first notes that while rejoined claims 6 and 7 are encompassed within the Examiner's statement that claims 4-8, 22, 32 and 39 were objected to, but would be allowable if rewritten in independent form, that the same is not true for rejoined claim 23. As such,

Applicant has responded to this Office Action under the assumption that rejoined claim 23 should have also been explicitly objected to, but allowable if rewritten in independent form. If this assumption is incorrect, Applicant respectfully requests that the Examiner advise Applicant of same.

Applicant has amended claim 4 into independent form to include the limitations of independent claim 1, prior to the amendments made thereto in this Amendment. Therefore, Applicant respectfully requests reconsideration and allowance of amended claim 4. As claim 5 is dependent on amended claim 4, which Applicant states is in condition for allowance, Applicant respectfully requests reconsideration and allowance of claim 5.

Applicant has amended claim 6 into independent form to include the limitations of independent claim 1, prior to the amendments made thereto in this Amendment. Therefore, Applicant respectfully requests reconsideration and allowance of amended claim 6. As claim 7 is dependent on amended claim 6, which Applicant states is in condition for allowance, Applicant respectfully requests reconsideration and allowance of claim 7.

Applicant has amended claim 8 into independent form to include the limitations of independent claim 1, prior to the amendments made thereto in this Amendment. Therefore, Applicant respectfully requests reconsideration and allowance of amended claim 8.

Applicant has amended claim 22 into independent form to include the limitations of independent claim 21, prior to the amendments made thereto in this Amendment. Therefore, Applicant respectfully requests reconsideration and allowance of amended claim 22.

Applicant has amended claim 23 into independent form to include the limitations of independent claim 21, prior to the amendments made thereto in this Amendment. Therefore, Applicant respectfully requests reconsideration and allowance of amended claim 23.

Applicant has amended claim 32 into independent form to include the limitations of

independent claim 1 (prior to the amendments made thereto in this Amendment) and dependent claims 27 and 31. Therefore, Applicant respectfully requests reconsideration and allowance of amended claim 32.

Applicant has amended claim 39 into independent form to include the limitations of independent claim 21 (prior to the amendments made thereto in this Amendment) and dependent claims 34 and 38. Therefore, Applicant respectfully requests reconsideration and allowance of amended claim 39.

Newly Added Claims

Applicant has added new claims 44, 45 and 46 which are dependent on independent claims 1, 21 and 43, respectively. Each of new claims 44, 45, 46 require that the nut member and the cage member be separate and non-integral from one another. Crowther clearly discloses and illustrates that the nut member (48) and cage member (40) thereof are integrally formed. As such, Crowther does not anticipate nor render obvious new claims 44, 45 and 46. Applicant, therefore, respectfully requests consideration and allowance of new claims 44, 45 and 46.

Cancelled Claims

Applicant has cancelled previously withdrawn claims 10-20, 24-26, 33 and 40-42 herein. Applicant reserves the right to file one or more divisional applications including the subject matter of now cancelled claims 10-20, 24-26, 33 and 40-42 either during the pendency of this application, or during the pendency of any related continuation, divisional or continuation-in-part application.

In view of the above Amendments and Remarks, Applicants respectfully submit that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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